

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, DECEMBER 1, 2009

7 P.M. COUNCIL MEETING

CALL TO ORDER - Mayor Spitaleri called the meeting to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

PRESENT:

Mayor Anthony Spitaleri
Vice Mayor Christopher Moylan
Councilmember John Howe
Councilmember Ron Swegles
Councilmember Melinda Hamilton
Councilmember David Whittum
Councilmember Dean Chu

ABSENT:

None

STAFF PRESENT:

City Manager Gary Luebbers
Assistant City Manager Robert Walker
City Attorney David Kahn
Director of Public Safety Don Johnson
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORTS FOR DECEMBER 1, 2009

Vice Mayor Moylan reported Council held two closed sessions earlier pursuant to Government Code Section 54957 – Public Employee Performance Evaluation, City Attorney and Public Employee Performance Evaluation, City Manager.

Vice Mayor Moylan reported no direction was given and no action was taken.

PUBLIC ANNOUNCEMENTS

Fred Fowler, President of Lakewood Village Neighborhood Association, announced the upcoming Lakewood Village Holiday Parade. Fowler stated the parade has been happening for the past 30 years.

**Approved by Council December 15, 2009*

Laura Babcock, Director of Heritage Park Museum, announced that December is the final month at the museum for the special exhibit of rotating nativity scenes. Babcock announced the upcoming special exhibits.

Councilmember Swegles inquired about the upcoming Victorian teas at the museum and Babcock explained that the teas have been completely sold out for this year. Babcock announced the museum will be holding a Presidential tea in the spring.

Councilmember Hamilton announced that the Sunnyvale Community Services will be holding a holiday silent auction this week at their offices.

CONSENT CALENDAR

Members of the public pulled Item 1.E. from the Consent Calendar.

MOTION: Vice Mayor Moylan moved and Councilmember Swegles seconded the motion to approve the Consent Calendar, with the exception of Item I.E.

VOTE: 7-0

1.A. Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

1.B. RTC 09-298 List of Claims and Bills Approved for Payment by the City Manager – List No. 481

Staff Recommendation: Review the attached lists of bills.

1.C. RTC 09-297 Approval of Budget Modification No. 16 to Appropriate a Grant from the Office of Traffic Safety in the Amount of \$23,196 for Seatbelt Enforcement

Staff Recommendation: Approve Budget Modification #16 to appropriate the Office of Training Safety Next Generation Click It or Ticket mini-grant in the amount of \$23,196 for a new project, Next Generation Click It or Ticket Campaign (Nov '09 – Sep '10).

1.D. RTC 09-289 Transportation Fund for Clean Air Funds for Light Rail Intersection Traffic Signal Controller Replacement Project – Cooperative Agreement with the City of San Jose and Approval of Budget Modification No. 13

Staff Recommendation: Authorize the city manager to execute the Cooperative Agreement with the City of San Jose for light rail traffic signal controller replacement funding; approve Budget Modification No. 13 to appropriate \$15,600 in grant revenue to fund a new project, Tasman Light Rail Corridor Traffic Signal Controller Replacement, with the awarded funding from the Bay Area Air Quality Management District Transportation Fund for Clean Air.

1.E. RTC 09-290 Approval of Budget Modification No. 14 to Recognize Grant Funding and Appropriate Funds for Various Bicycle and Pedestrian Projects

Tammy Salans stated she pulled this item in order to request that the public be involved early on when approving funds for bike lanes on Mary Avenue. Salans spoke of her concerns with staff only reviewing the bid process.

Kevin Jackson, member of the Bicycle and Pedestrian Advisory Commission, speaking on his own behalf, stated no item should be removed until the study has been conducted. Jackson requested Council approve the staff recommendation.

MOTION: Councilmember Chu moved and Councilmember Hamilton seconded to approve Alternatives 1, and 2:

Alternative 1: Authorize the city manager to execute any required agreements to secure grant funding for the Borregas Avenue Bicycle and Pedestrian Improvements Project, the Mary Avenue Street Space Allocation Study, and the Residential and School Area Sidewalks Project, and

Alternative 2: Approve Budget Modification 14 to (1) appropriate \$52,000 of awarded funds from the Bay Area Air Quality Management District Transportation Fund for Clean Air to new project Borregas Avenue Bicycle and Pedestrian Improvements, (2) appropriate \$720,000 from the State of California Safe Routes to School program to existing project 828160, Residential and School Area Sidewalks, (3) \$160,000 from the VTA Bicycle Expenditure Program (with an additional \$40,000 local match from dedicated funds in the Capital Projects/Traffic Mitigation Subfund) to new project Mary Avenue Street Space Allocation Study.

VOTE: 7-0

Contracts: SunnyvaleWorks!

1.F. RTC 09-300 Award of Sunnyvale Works! Bid No. F0909-25 for Maintenance Installation of Sidewalk, Curb, Gutter and Driveway Approaches - 2011 and Approval of Budget Modification No. 15

Staff Recommendation: Award a General Construction Contract to SpenCon Construction, Inc., in an amount not to exceed \$550,000, and authorize the City Manager to execute the contract when all necessary conditions have been met; approve a project contingency in the amount of \$55,000; and approve Budget Modification No. 15.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

Josh Salans spoke about a book titled "Born to Run" by Christopher McDougall and expressed comments regarding the benefits of walking. He encouraged Council to consider how a change to the land-use and transportation element could provide for a walkable Sunnyvale.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 09-296 Study to Explore City Assistance with Graffiti Abatement on Private Property (Study Issue)

Director of Public Safety Don Johnson provided the staff report.

Public hearing opened at 7:20 p.m.

No speakers.

Public hearing closed at 7:20 p.m.

Mayor Spitaleri explained that he received information on graffiti removal at the National League of Cities conference and has forwarded that information on to the city manager for disbursement to Director Johnson.

Mayor Spitaleri announced no Council action was necessary as this item was a staff report only.

Councilmember Hamilton thanked staff for a well done report.

3. RTC 09-299 Board and Commission Appointments

Assistant City Manager Robert Walker provided the staff report.

Assistant City Manager Walker requested Council consider appointment to the Board of Building Code Appeals last due to the infrequency that the board meets and the fact that the Board of Building Code Appeals applicants have applied for more than one board or commission.

Assistant City Manager Walker reminded Council that the Board of Building Code Appeals and the Housing and Human Services Commission will be considered by Council in a few weeks for a possible reduction in the number appointed to those commissions.

Vice Mayor Moylan inquired if an applicant had withdrawn their application and Councilmember Swegles responded that applicant Steve Harrington requested to withdraw his application to the Housing and Human Services Commission.

City Clerk Kathleen Franco Simmons presented the applicants and vacancies.

Arts Commission (1 vacancy)

Term expiring 6/30/2013

Tracy Seto

VOTE: 7-0

City Clerk Kathleen Franco Simmons announced Tracy Seto has been appointed to the Arts Commission with a term expiring 6/30/2013.

Board of Library Trustees (1 vacancy)

Term expiring 6/30/2012

Connie Brookner

VOTE: 2-0 (Councilmembers Whittum, Swegles, Vice Mayor Moylan, Councilmembers Howe and Hamilton abstained)

Micki Falk

VOTE: 1-3 (Mayor Spitaleri, Councilmember Howe and Hamilton dissented, Councilmember Swegles, Vice Mayor Moylan and Councilmember Chu abstained).

Jill Shanmugasundaram

VOTE: 7-0

Mei-Ling Stefan

VOTE: 2-0 (Councilmember Swegles, Mayor Spitaleri, Councilmembers Chu, Howe and Hamilton abstained),

Mukta Verma

VOTE: 2-0 (Councilmember Swegles, Vice Mayor Moylan, Mayor Spitaleri, Councilmembers Howe and Hamilton abstained)

City Clerk Kathleen Franco Simmons announced Jill Shanmugasundaram has been appointed to the Board of Library Trustees with a term expiring 6/30/2012.

Heritage Preservation Commission (1 vacancy)

Term expiring 6/30/2010

Ted Ringel

VOTE: 5-0 (Councilmember Swegles and Vice Mayor Moylan abstained)

City Clerk Kathleen Franco Simmons announced Ted Ringel has been appointed to the Heritage Preservation Commission with a term expiring 6/30/2010.

Housing and Human Services Commission (5 vacancies)

One term expiring 6/30/2013

Two terms expiring 6/30/2012

Two terms expiring 6/30/2011

Fred Fowler

VOTE: 7-0

Mathieu Pham

VOTE: 4-0 (Vice Mayor Moylan, Councilmembers Chu and Howe abstained)

City Clerk Kathleen Franco Simmons announced Fred Fowler has been appointed to the Housing and Human Services Commission with a term expiring 6/30/2013.

Vice Mayor Moylan stated that there is only one candidate left and that person received the required four votes; therefore, the mayor may want to appoint that applicant to the next longest term. Mayor Spitaleri agreed.

City Clerk Kathleen Franco Simmons announced Mathieu Pham has been appointed to the Housing and Human Services Commission with a term expiring 6/30/2012.

Board of Building Code Appeals (2 vacancies)

All candidates have already been appointed to serve on other boards or commissions so no appointments will be made to this board.

4. **ORDINANCE No. 2911-09** **Adoption of Ordinance No. 2911-09 Amending Sunnyvale Municipal Code Chapters 18.10 and 19.74 Relating to Park Dedication: Consider Raising the Park Facility Standard from 1.25 Acres for 1,000 Population to 3.0 Acres per 1,000 Population**

City Attorney David Kahn provided the staff report and stated this ordinance was not on the consent calendar as a unanimous vote was not received during the first reading.

Public hearing opened at 7:35 p.m.

No speakers.

Public hearing closed at 7:35 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Hamilton seconded to approve the second reading of Ordinance No. 2911-09.

VOTE: 6-1 (Councilmember Howe dissented)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

COUNCIL: Councilmember Swegles stated a service will be held for Ann Olsen, Property Manager for Casa De Amigos Mobile Home Park, who recently passed away. Councilmember Swegles offered his condolences to her family.

STAFF: City Manager Gary Luebbers presented a picture of a new "Shop Sunnyvale" billboard located off the 101 freeway near Redwood City. City Manager Luebbers stated the electronic billboard space has been secured for a few weeks at no cost to the City.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 09-301 Board and Commission Resignation (Information Only)

ADJOURNMENT

Councilmember Howe shared the life story of Robert Alexander Fuhrman who recently passed away. Mayor Spitaleri requested a moment of silence.

Mayor Spitaleri adjourned the meeting at 7:40 p.m.

Kathleen Franco Simmons
City Clerk

Date